IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 1772 OF 2005

IN

SUIT NO. 185 OF 1982

Navalsankar Murji Saudagar .. Plaintiff

versus

Vinod Madhavji Bhatia & ors. .. Defendants

...

Mr.R.C.Shah i/b M.Gandhi & Co. for the plaintiff.

Mr.Sandeep Bhimekar i/b Wadia Gandhy & Co. for the defendant nos.1 and 2.

Mr.U.J. Makhija with H.V. Chande for the defendant no.4.

CORAM : D.G. KARNIK,J.

DATED : 7th July 2005.

P.C.:

1. This motion is taken out in a suit which is listed on Board for hearing. Learned counsel for the parties state that in view of Rule 156 of the Bombay High Court (Original Side) Rules, the motion is to be

heard be me and not by the Motion Judge. Learned counsel for the parties rely upon the decision of this Court in The Godavari Sugar Mills Ltd. Vs. The Kopargaon Sahakari Sakhar Karkhana Ltd decided on 11th February 2000 (Coram : A.B. Palkar, J)

2. The submission is accepted and motion is taken out for hearing by consent of the parties forthwith.

3. For the reasons stated in paragraph nos.2 and 3, delay in filing of the written statement is condoned and motion is made absolute in terms of prayer clauses (a) and (b) and written statement is taken on record subject to payment of costs of Rs.2,000/-. Out of the sum, sum of Rs.1,000/- shall be paid to the plaintiff and sum of Rs.1,000/- shall be paid to the Maharashtra State Legal Services Authority. Costs to be paid within a period of four weeks.

D.G. KARNIK, J